

<sup>1</sup> Appellant has a previously accepted traumatic injury claim assigned OWCP File No. xxxxxx387 for neck and back injuries sustained on February 14, 2018.

In an October 21, 2019 note, Luke M. Martinic, a physician assistant, noted that appellant was under medical care for ongoing neck and low back conditions as a result of a work injury. He advised that she was temporarily totally disabled from her regular work and markedly partially disabled with regard to all work. Therefore, Mr. Martinic concluded that appellant was unable to carry out her physical duties as a clerk for the employing establishment. He indicated that the position was too physically demanding for her and it would ultimately continue to aggravate her underlying condition.

On October 31, 2019 appellant filed a notice of recurrence (Form CA-2a) claiming disability beginning October 21, 2019 due to her accepted April 24, 2019 employment injury. She explained that she had continuing symptoms of her accepted injury.

Thereafter, OWCP received medical evidence, including medical reports from Dr. Edward D. Simmons, an attending Board-certified orthopedic surgeon.

OWCP, in a development letter dated February 5, 2020, informed appellant of the deficiencies in her recurrence claim and informed her of the type of evidence necessary to establish her claim. It noted that appellant's accepted conditions were cervical strain and concussion without loss of consciousness. OWCP requested that appellant provide a rationalized medical report explaining the basis of her claimed recurrence. It afforded her 30 days to submit the necessary evidence.

OWCP received additional medical evidence, including an October 21, 2019 letter from Dr. Simmons wherein he opined that appellant's ongoing symptoms remained causally related to her previously accepted February 14, 2018 work injury.

By decision dated March 10, 2020, OWCP denied appellant's recurrence claim, finding that she had not established that she was disabled from work due to a material change or worsening of her accepted April 24, 2019 work-related conditions.

The Board has duly considered the matter and concludes that this case is not in posture for decision. OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-referencing between files.<sup>2</sup> For example, if a new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body, doubling is required.<sup>3</sup> Herein, appellant has a previously accepted traumatic injury claim for a February 14, 2018 employment injury in OWCP File No. xxxxxx387 involving her cervical and lumbar spine. OWCP subsequently accepted a traumatic injury claim due to an April 24, 2019 employment incident, resulting in cervical strain and concussion without loss of consciousness, in OWCP File No. xxxxxx418. Appellant subsequently filed a claim for recurrence of disability for the accepted April 24, 2019 traumatic injury, which OWCP denied. On appeal, she contends that she sustained a recurrence of disability

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<sup>2</sup> See Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

<sup>3</sup> *Id.*; *D.C.*, Docket No. 19-0100 (issued June 3, 2019); *N.M.*, Docket No. 18-0833 (issued April 18, 2019); *K.T.*, Docket No. 17-0432 (issued August 17, 2018).

on April 24, 2019 due to her previously accepted claim under OWCP File No. xxxxxx387. OWCP failed to properly combine the present case record with the record of the February 14, 2018 employment injury, which appellant has noted was her first work-related cervical and lumbar spine injuries causing disability. For a full and fair adjudication, the case must be returned to OWCP to administratively combine OWCP File Nos. xxxxxx418 and xxxxxx387.<sup>4</sup> Following this and such further development as OWCP deems necessary, it shall issue a *de novo* decision.

**IT IS HEREBY ORDERED THAT** the March 10, 2020 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: April 12, 2022  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>4</sup> *Order Remanding Case, K.B.*, Docket No. 17-2004 (issued May 4, 2018).